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MEMO ENDORSED

September 28, 2023

By ECF

The Honorable Kenneth M. Karas
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street, Chambers 533
White Plains, NY 10601-4150

Re: *GlobalFoundries U.S. Inc. v.*
International Business Machines Corporation,
Case No. 7:23-cv-03348-KMK-AEK

Dear Judge Karas:

We write on behalf of Defendant International Business Machines Corporation (“IBM”) to request an order under Your Honor’s Individual Rule IX authorizing the sealed filing of exhibits to IBM’s September 28, 2023 letter regarding outstanding discovery disputes (ECF No. 81) in the above-referenced action.

These exhibits, which contain confidential business information, are correspondence between IBM and Plaintiff GlobalFoundries (“GF”) regarding IBM’s discovery requests (Ex. 1), GF’s Responses and Objections to IBM’s First Requests for Production (Ex. 2), GF’s Responses and Objections to IBM’s First Interrogatories (Ex 3), IBM’s First Requests for Production (Ex. 4) and IBM’s First Interrogatories (Ex. 5).

On May 11, 2023, the Court granted Plaintiff’s application to permanently maintain the sealed, unredacted Complaint filed in Dkt. No. 23-MC-111. (ECF No. 37.) The documents IBM seeks to file under seal include text from that Complaint that the Court already has ordered to be permanently maintained under seal.

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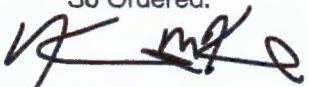
Respectfully submitted,

/s/ Robert A. Atkins
Robert A. Atkins

cc: All counsel of record (via ECF)

Granted.

So Ordered.


9/29/23